

Law Office of Brian F. Russo
Brian F. Russo, Esq. (018594)
10037 East Dynamite Blvd.
Suite C-101
Scottsdale, AZ 85262
(602) 340-1133 Telephone
bfrusso@att.net Email
Attorney for Defendant Bateman

IN THE UNITED STATES DISTRICT COURT

DISTRCIT OF ARIZONA

COMES NOW the Defendant, Samuel Rappylea Bateman, by and through Counsel undersigned and hereby moves this Honorable Court for an order continuing Sentencing in this matter to December 9, 2024 or a date and time convenient to the Court and all parties for the following reasons.

Dr. Gaughn has not completed his Competency Evaluation as anticipated. This report is necessary and a pre-requisite to moving forward in sentencing. Dr. Gaughn had previously requested additional time due to travel and illness. The Court granted the continuance and set November 25,2024 as the new sentencing date. Counsel advised Dr. Gaughn of the date and that the report was needed so that all involved could proceed accordingly based on his determination.

1 Dr. Gaughn stated he would have his report by Friday the 15th of November. However,
2 Counsel only received a draft late that day and it does not articulate or cite a conclusion on
3 competency. Counsel contacted Dr. Gaughn's office and was informed today that there was still
4 outstanding testing analysis and dictation being done.

5 Dr. Gaughn's office anticipated the final draft to Counsel by tomorrow November 19,
6 2024. This does not provide Counsel sufficient time to review the report and its
7 conclusions. Counsel also must travel to CCA to discuss the report with Mr.
8 Bateman. Further, contingent upon the conclusion Counsel, the Court and the Government will
9 need to make decisions based on Dr. Gaughn's conclusion. Finally, assuming he is competent
10 Counsel needs the additional time to finalize a sentencing memorandum and incorporate any
11 medical findings necessary to the Court's determination as to the appropriate sentence.

13 Assuming Dr. Gaughn has his final report to Counsel this week, decisions can be made
14 promptly by all involved. Thus, a brief continuance is requested to accommodate a necessary
15 part of Mr. Bateman's case and sentence. This Motion is made so that Counsel can be effective
16 as contemplated by the Sixth Amendment to the United States Constitution.

17 The Government, through AUSA Dimitra Sampson, does not oppose a brief continuance,
18 and also requests December 9, 2024 as the new date if possible. The parties also ask the Court
19 order that Dr. Gaughn to produce his final report no later than November 22, 2024.

21 DATED this 18th day of November, 2024.

22
23 */s/Brian F. Russo* _____
24 Brian F. Russo
25 Attorney for Defendant

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2 CERTIFICATE OF SERVICE

3 I hereby certify that on this date, I electronically transmitted the attached document to the Clerk's
4 Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the
following CM/ECF registrant:

5 Ryan Powell, AUSA
6 Dimitra Sampson, AUSA

7 /s/Brian F. Russo